

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE CLARANCE K. NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS**

**Thirtieth State Legislature  
Regular Session of 2019  
State of Hawai'i**

February 7, 2019

**RE: S.B. 1367; RELATING TO PROMOTING DANGEROUS DRUGS.**

Chair Nishihara, Vice-Chair Wakai and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in opposition to S.B. 1367.

The purpose of S.B. 1367 is to reduce the prison population, re-divert state funds to community-based programs and reducing the collateral effects of a felony offense by creating a reduced charge (Promoting a Dangerous Drug in the Fourth Degree) and penalty (class C felony to a misdemeanor) for the current charge of §712-1243, H.R.S., Promoting a Dangerous Drug in the Third Degree.

The Department believes that as currently written, S.B. 1367 not only reduces the penalty of the current offense Promoting a Dangerous Drug in the Third Degree, but it sends the wrong message to those addicted and users of cocaine, heroine, crystal methamphetamine and a myriad of other dangerous schedule 1 and 2 substances, that our community and our leaders do not view these types of dangerous drugs as a problem. The Department believes this is not the intended message by our lawmakers, and as proposed, S.B. 1367 would have the opposite effect it intends by providing drug offenders with less treatment options and a higher rate of incarceration.

By creating a misdemeanor offense, this bill is limiting the maximum deferral or probation sentence to a one year period. As most drug treatment programs often span longer

than one year, the lack of court mandated oversight past the one year period is sometimes crucial when addressing an offender's addiction issues. Thus, drug offenders will be often times left without support or motivation half way through their recovery leaving a high probability of relapse. In addition, although statutorily not restricted from such specialty courts such as drug court or HOPE probation, most drug offenders will not be aware of these types of treatment programs in district court. Even if they are aware of these programs, offenders being charged with a misdemeanor drug offense may simply choose the path of least resistance and accept the relatively low penalties offered for misdemeanor drug offenses, rather than making a true commitment to sobriety.

Although this bill seeks to minimize the negative effects for "first time offenders", a defendant facing a violation of §712-1243, H.R.S., Promoting a Dangerous Drug in the Third Degree as a first time offender, under current law, will generally take advantage of first time drug offender provisions and plea deferrals. As part of probation, special sentencing provisions are also available for first- and second-time felony drug offenders under §706-622.5, H.R.S., if they complete the requisite substance abuse treatment (that generally takes more than one year to complete). If that fails, a revocation of a defendant's deferral and a term of probation may be imposed. If a defendant consistently has difficulties complying with probation, courts will often turn to HOPE probation as a last ditch attempt to provide more oversight of the defendant's actions while on probation. It is only when all of these tools have been thoroughly exhausted – and this is typically years after the person was initially charged with their first felony drug offense – that a court has no choice but to impose incarceration. Therefore, incarceration is not and has never been the go-to solution for low-level drug offenders but rather it is the last resort for repeat offenders who have not been accountable for their actions.

For all the reasons above, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes the passage of S.B. 1367. Thank you for the opportunity to testify on this matter.



## Hawai'i

Committees: Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Hearing Date/Time: Thursday, February 7, 2019, 1:15 p.m.  
Place: Conference Room 229  
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 1367, Relating to Promoting Dangerous Drugs

Dear Chair Nishihara, Vice Chair Wakai, and members of the Committee,


The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes **in support of S.B. 1367**, which seeks to reduce the penalty for low-level drug possession from a felony to a misdemeanor. This measure is a meaningful step towards eliminating the ineffective practice of combatting drug addiction with incarceration rather than treatment.

Felony records create significant barriers in an individual's life. During a period of incarceration for a felony offense, an individual loses one of their most basic and important rights—the right to vote. Upon release, people with felony records may face obstacles in securing employment and housing, and may be denied access to food stamps or other important public assistance that would help them their families get back on their feet. Many navigate these barriers while simultaneously seeking out addiction counseling and treatment, needs which are often not met in prison. Indeed, research suggests that community-based treatments produce better public safety results for drug abuse compared with incarceration.

To more fully achieve the goal of ensuring that our drug laws align with the established body of research refuting conventional punitive approaches to drug policy, we request that the Committee make the following amendments to the bill:

- 1) extending the penalty reduction to both first *and* second-time offenders;
- 2) eliminating the new "fourth degree" offense; instead, promoting a dangerous drug in the third degree can be a misdemeanor if the offense meets the specifications outlined in the bill.

For the above reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,  
  
Mandy Fernandes  
Policy Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.*



*Dedicated to safe, responsible, humane and effective drug policies*

TO: Senate Committee on Public Safety, Intergovernmental & Military Affairs  
FROM: Nikos Leverenz, Board President  
HEARING DATE: February 7, 2019 (1:15PM)  
RE: **SB 1367 – STRONG SUPPORT**

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Chair Nishihara, Vice Chair Wakai & Committee Members:

Drug Policy Action Group **strongly supports** this measure to reclassify drug possession for personal use from a class C felony to a misdemeanor.

With the understanding that criminalization of behavioral health concerns like substance use disorders (often accompanied by co-occurring mental health conditions) is latently injurious to both individual and public health, we support amendments to this bill that would (1) re-classify first and second-time drug possession offenders as misdemeanants under state law and (2) eliminate the new “fourth degree” offense and its weight and drug specifications.

There is an emerging awareness across the nation and the international community of nations that incarceration is a neither rational nor humane policy response to those who may have substance use disorders and are otherwise impacted by social determinants of health.

Five states have reclassified drug possession from a felony to a misdemeanor since 2014, including conservative Republican states (Alaska, Utah, and Oklahoma). This kind of sentencing reform in Hawai'i would have beneficial social and economic impacts. According to data provided by the state Attorney General, there were over 1,000 arrests for drug possession on a year-to-year basis, on par with the number of arrests made for violent crimes, from 2007-2016. Moving 1,000 felonies to misdemeanors will exert significant downward pressure on public safety expenditures that stem from incarceration.

The Robert Wood Johnson Foundation issued a report earlier this year finding that mass incarceration poses a threat to health equity through its disproportionate impact on lower-income communities, communities of color, and persons with disabilities. Incarceration exposes individuals to a wide range of conditions that are detrimental to long-term physical and mental health. ([“Mass Incarceration Threatens](#)

[Health Equity in America](#),” January 2019). In Hawai‘i, Native Hawaiians and Filipinos are communities that are disproportionately impacted by the current administration of criminal justice.

The Global Commission on Drug Policy, founded by a dozen former heads of state, is a leading international advocate for “drug policies based on scientific evidence, human rights, public health and safety, for all segments of the population.” The Commission supports full decriminalization of personal use and possession of drugs:

The Global Commission on Drug Policy has consistently called for the decriminalization of personal use and possession, and for alternatives to punishment for non-violent, low-level actors in illicit drug markets. The criminalization of drug use and possession has little to no impact on the levels of drug use but instead encourages high-risk behaviors, such as unsafe injecting, and deters people in need of drug treatment from seeking it and from using other health services and harm reduction programs that would help them. The health, economic and social benefits of decriminalization have been shown in countries that took this step decades ago. (“[Position Paper: The Opioid Crisis in North America](#),” October 2017).

Significant “collateral consequences” of a misdemeanor conviction impact a person’s ability to obtain housing, education, and employment, but they are not as severe as those for a felony conviction under state and federal law. According the Council of State Governments, [there are cover 100 collateral consequences to a misdemeanor conviction](#) in Hawai‘i.

Ideally, all drug possession for personal use would not give rise to the possibility of incarceration. Any period of incarceration frustrates the ability to fulfill crucial family obligations, from day-to-day parenting to child support. As the Annie E. Casey Foundation has noted, the incarceration of a parent is an “adverse childhood experience” that can have a devastating impact on a child: “Having a parent incarcerated is a stressful, traumatic experience of the same magnitude as abuse, domestic violence and divorce, with a potentially lasting negative impact on a child’s well-being.” (“[A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities](#),” April 2016)

Further, any period of incarceration also disrupts employment and housing and thus poses as substantial threats to familial integrity and well-being: “Incarceration is a destabilizer, pushing families teetering on the edge into financial disaster. Losing a parent who is the breadwinner, often for a prolonged period, leaves families scrambling to cover basic needs along with legal and other court fees. When fathers are incarcerated, family income can drop by an average of 22 percent. When no parent remains to care for a child, extended family members step in — often without proper support.” (*Id.*)

Thank you for the opportunity to testify on this measure, which represents a small but important step forward in moving behavioral health concerns from the current criminal justice paradigm to a therapeutic model that affords evidence-based, medically supervised treatment on demand for those who are ready to access it.



*Dedicated to safe, responsible, humane and effective drug policies since 1993*

TO: Senate Committee on Public Safety, Intergovernmental and Military Affairs  
FROM: Carl Bergquist, Executive Director  
HEARING DATE: February 7, 2019, 1:15PM  
RE: SB1367, Relating To Promoting Dangerous Drugs, **SUPPORT WITH AMENDMENTS**

Dear Chair Nishihara, Vice Chair Wakai and Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **strongly supports** this measure to reduce the penalty for personal use drug possession from a class C felony to a misdemeanor. Defelonization, as this policy is known, has been adopted in five other states – California & Oklahoma (via referendum), Utah, Alaska & Oregon (via their legislatures); since 2014. The impetus for these changes is the dawning realization that incarceration is not the best way to treat those with substance use disorders and that a felony sentence for a non-violent offense is wholly disproportionate. These laws were passed as part of the wave for criminal justice reform that is gaining momentum across the country. This bill, lowering the penalty for one of the most commonly charged offenses, comes at an opportune time as Hawai'i contemplates such reform.

Why defelonization? A felony drug conviction has numerous consequences for the individual offender, from ineligibility for countless jobs to exclusions from welfare and food stamps to a denial of student and other loans. How is a person to get back on their feet under those circumstances? The system has set them up for failure. This would be cruel and counterproductive for any offender attempting rehabilitation, but it particularly

callous when the offense is one steeped in a history of racism. The War on Drugs was marketed as beneficial to public health, but it has not decreased drug use. Instead, these punitive drug laws fuel the new Jim Crow, as Michelle Alexander and others so aptly call it, and via the criminalization of mainly non-white drug users build the foundation of mass incarceration.

Hawai'i, with its unconstitutionally overcrowded prisons and overrepresentation of Native Hawaiians in them - is no exception to this. Our drugs laws continue to rank among the harshest in the country. Thankfully, this legislature and Governor Ige began a new chapter when they decriminalized drug paraphernalia in 2017. Far from only impacting the casual cannabis user and their bong, this reform made it harder to create felons out of community members who may use drugs. This bill is a logical companion to that pioneering reform – many of the same individuals are charged with either offense or both. In 2015, [nearly 80% of incarcerated drug offense felons were neither traffickers nor kingpins](#), but individuals convicted of the drug paraphernalia offense or [the promotion of dangerous drugs in the third degree](#) offense at issue in this bill. With the decriminalization of drug paraphernalia this percentage is already going down, and this bill would help reduce the number of non-violent drug offenders even further.

[Reducing this offense to a misdemeanor does not eliminate collateral consequences for an individual](#). However, it is a start and doing so is in line with the primary recommendation of the recently released report of the House Concurrent Resolution 85 Task Force on Prison Reform that Hawai'i [“immediately begin to transition from a punitive to a rehabilitative correctional system.”](#) Indeed, many of the goals expressed in this report are facilitated by the penalty reduction suggested in this

bill, and it is among the types of reforms suggested. While felony probation exists for certain drug-related offenders, the high recidivism rate demonstrates that it is not truly a workable solution. Moreover, defelonizing such a frequently charged offense as personal use drug possession reduces the need to build a prison to house felons. While that is stating the obvious, we must ask ourselves: Are these people that we need to keep as “felons” in order to justify building a new prison?

The tables below from a recent Urban Institute report highlight what has happened in other states:

**TABLE 1**

**State Reforms to Reclassify Drug Possession**

State	Misdemeanor sentence	Ineligible for prison	Weight and drug type not specified	No criminal history exclusions	Retroactive
Alaska	✓	✓	✓	✓	
California	✓	✓	✓		✓
Connecticut	✓	✓	✓		
Oklahoma	✓	✓	✓	✓	
Utah	✓	✓	✓		

**Sources:** Alaska Senate Bill 91 (2016); California Proposition 47 (2014); Connecticut House Bill 7104 (2015); Oklahoma State Question 780 (2016); and Utah House Bill 348 (2015).

**TABLE 2**

**Broad Support for Reforms to Reclassify Drug Possession**

State	Reform type	Title (year)	Vote count
Alaska	Legislation	Senate Bill 91 (2016)	16-2 Senate 28-10 House
California	Voter referendum	Proposition 47 (2014)	60% Yes 40% No
Connecticut	Legislation	House Bill 7104 (2015)	23-13 Senate 96-4 House
Oklahoma	Voter referendum	State Question 780 (2016)	58% Yes 42% No
Utah	Legislation	House Bill 348 (2015)	23-0 Senate 67-2 House



## **Suggested Amendments:**

As written the bill would not emulate the bolder reforms seen in the five states above. Instead, by only focusing on the first time offender, it would be more similar to recent reforms in North Dakota, South Carolina and Pennsylvania.

We recommend adopting the Defelonization Five Approach (CA, AK, OK, UT, CT), by:

- 1) extending the penalty reduction to both first *and* second-time offenders;
- 2) eliminating the new “fourth degree” offense and its weight and drug specifications;

This can be done by striking Sections 2-4, renumbering them as Section 5-7 as 3-5, and adding a new Section 2 as follows:

SECTION 2. Section 712-1243, Hawaii Revised Statutes, is amended by amending subsection (2) and adding a new subsection (3) to read as follows:

“(2) Promoting a dangerous drug in the third degree is a class C felony, except as provided in subsection (3);

(3)On a first and second conviction, promoting a dangerous drug in the third degree is a misdemeanor.”

Mahalo for the opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILIARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Thursday, February 7, 2019

1:15 pm

Room 229

### SUPPORT with AMENDMENT for SB 1367 - PROMOTING DANGEIOUS DRUGS

Aloha Chair Nishihara, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 1367 establishes the misdemeanor offense of promoting a dangerous drug in the fourth degree for first time offenders who possess smaller amounts of a dangerous drug and amends related provisions for the promotion of the promotion of dangerous drugs in the second and third degree for consistency.

Community Alliance on Prisons supports reforming our punitive drug laws and we look to the public health sector for best practices. Recognizing that substance use disorder is a public health issue, we support this measure and recommend the following amendments to strengthen the bill:

Page 3 - Section 2, line 6:

"in the fourth degree if the person is a first time offender who"

Since we know that relapse is common in substance use disorders, please change it to read:

"in the fourth degree if the person is a first- or second-time offender who"

If Hawai'i hopes to move off the punishment train and hop on board the rehabilitation track, we need to understand that our punitive drug laws only serve to promote the failed and extremely expensive war on drugs, which has become a full-on war on families.

Currently, 74% of Hawai`i's incarcerated people are serving sentences for the lowest felonies, misdemeanors, violations, petty misdemeanors, parole and probation violations. In some cases, these policies have caused more harm than the substances they address.

In two recent meetings I have heard judges express concern about the number of offenses that were formerly classified as misdemeanors and are now classified as felonies. This indicates to us that there is growing awareness of the harm the state is causing.

Across the nation, jurisdictions are realizing that incarcerating people we are mad at does not solve any problems. Imprisoning low-level lawbreakers is not sustainable.

Hawai`i cannot build our way out of or hide our social challenges anymore. It is time for a new day, with humane, compassionate, and common-sense policies.

Community Alliance on Prisons respectfully asks the committee to include our amendment and those of the Drug Policy Forum of Hawai`i to strengthen the bill, keep pace with good practices, and help those who are struggling with substance use disorders in our communities.

Mahalo for this opportunity to testify.



# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of Hawai'i Appleseed Center for Law and Economic Justice  
Supporting SB 1367 – Relating to Promoting Dangerous Drugs  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Thursday, February 7, 2019, 1:15 PM, conference room 229

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Dear Chair Nishihara, Vice Chair Wakai, and members of the Committee:

Thank you for the opportunity to provide testimony in **SUPPORT** of **SB 1367**, which would reduce the penalty for drug possession from a felony to a misdemeanor.

In addition to helping avoid incarceration, this bill would reduce the especially harsh economic consequences of felony convictions on such non-violent offenders, their families, and our community.

For example, Hawai'i partially bans drug felons from receiving SNAP (food stamps) and TANF (cash welfare) benefits. While re-entry is difficult enough, this policy pushes these individuals and their families deeper into poverty precisely when they are most vulnerable.

In addition, felony convictions also present serious barriers to finding gainful employment. Not only is this another driver of poverty, but shutting these individuals out of the labor market has real costs to our local economy, reducing our GDP.

We appreciate your consideration of this testimony.

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*The Hawai'i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai'i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.*



## TESTIMONY IN SUPPORT OF SB 1367

TO: Senate Committee on Public Safety, Intergovernmental & Military Affairs

FROM: Nikos Leverenz, Grants, Development & Policy Manager

DATE: February 7, 2019 (1:15PM)

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Chair Nishihara, Vice Chair Wakai, and Committee Members:

Hawai'i Health & Harm Reduction Center (HHRC) supports SB 1367, which would reclassify drug possession for personal use from a class C felony to a misdemeanor for first-time offenders.

HHRC believes that those with substance use problems and mental health concerns are best treated within a therapeutic model and not within a criminal justice framework. On a daily basis, we work with many persons who are impacted by social determinants of health, including those who are unsheltered, have no or little economic means, and face serious health challenges.

The continued criminalization of persons with behavioral health concerns is detrimental to individual, family, and public health. As such, HHRC supports the decriminalization of all drug possession for personal use.

In June 2017, [a joint statement from the World Health Organization and the United Nations on ending discrimination in health care settings](#) supported the review and repeal of punitive laws "proven to have negative health outcomes and that counter established public health evidence," including "drug use or possession of drugs for personal use."

The Global Commission on Drug Policy, a leading international advocate for “drug policies based on scientific evidence, human rights, public health and safety, for all segments of the population” also supports full decriminalization of personal use and possession of drugs:

The Global Commission on Drug Policy has consistently called for the decriminalization of personal use and possession, and for alternatives to punishment for non-violent, low-level actors in illicit drug markets. ***The criminalization of drug use and possession has little to no impact on the levels of drug use but instead encourages high-risk behaviors, such as unsafe injecting, and deters people in need of drug treatment from seeking it and from using other health services and harm reduction programs that would help them.*** The health, economic and social benefits of decriminalization have been shown in countries that took this step decades ago. ([“Position Paper: The Opioid Crisis in North America,”](#) October 2017, emphasis added).

Other organizations who support decriminalization include the Organization of American States, International Federation of Red Cross and Red Crescent Societies, American Public Health Association, and Human Rights Watch.

Incarceration exposes individuals to a wide range of conditions that are detrimental to long-term physical and mental health. (Robert Wood Johnson Foundation, [“Mass Incarceration Threatens Health Equity in America,”](#) January 2019). Even short periods of incarceration disrupt employment and housing stability and interfere with the fulfillment of parental obligations. Children also experience stress and trauma when a parent is incarcerated, with lasting negative impacts on their health and well-being.

Even misdemeanor convictions carry many collateral consequences that impact a person’s ability to access housing, employment, and education. Most in Hawai‘i who are under criminal justice supervision are on probation. Lengthy periods of probation heighten the likelihood of incarceration.

The World Health Organization defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” Hawai‘i’s most vulnerable members are in need of policies that actively pursue better health outcomes apart from the continued dehumanization and stigmatization that are advanced by criminalization, including prosecutorial actions that result in incarceration and lengthy periods of probation or parole.

Thank you for the opportunity to testify on this important reform measure.

**SB-1367**

Submitted on: 2/1/2019 3:26:28 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Oppose	No

Comments:

**SB-1367**

Submitted on: 2/4/2019 11:42:50 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Destiny Brown	Individual	Support	No

Comments:

Aloha Committe Chair and Members,

I am writing in support of SB1367.

Thank you,

Destiny Brown

Constituent Senate District 25

Constituent House Distrct 13

Student Hawaii Pacific University



I SUPPORT SB1367, because cannabis should be legal.

The cannabis prohibition has 0 justification.



Cigarettes kill **480,000** Americans/year.



Opioids kill **55,000** Americans/year.



Alcohol kills **88,000** Americans/year.



Cannabis kills **0** Americans/year.

~ In fact, cannabis effectively treats deadly  
nicotine, alcohol, and opioid addictions.

**LEGALIZE CANNABIS & SAVE LIVES!**

Mary Overbay. Puunene, Hawaii

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~ In fact, cannabis effectively treats deadly

nicotine, alcohol, and opioid addictions.

**LEGALIZE CANNABIS & SAVE LIVES!**

Brian Murphy Maui, Hawaii

**SB-1367**

Submitted on: 2/6/2019 8:32:30 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

Strong Support!

**SB-1367**

Submitted on: 2/6/2019 11:07:51 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacy Lenze	Individual	Support	No

Comments:

Current policies create career criminals. People convicted of a felony are often unable to secure a job, which means they have no way to pay for housing and other essentials, leading to desperation. Desperate people do things they would never have done otherwise.

Why are we tearing people's lives apart over small amounts of drugs? Who does this help? More to the point, who does this enrich? Who is making money from burning down the lives of our fellow citizens?

I, for one, would strongly urge you to vote in support of this bill which would keep nonviolent people out of our prison system.

Thank you for your time.

**SB-1367**

Submitted on: 2/6/2019 12:49:18 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ka'imi Nicholson	Individual	Support	No

Comments:

Aloha dear Legislators,

I strongly support decriminalizing drug use. The research shows that community-based treatment programs produce better public safety outcomes for people addicted to or abusing drugs than incarceration. And this is the whole point--- to increase public safety & the well-being of families ~this should be reason enough, right here and now. But this is also the less expensive choice, tand that means more money available for treatment programs ~ which we need. I am a therapist and whenever I've wanted to refer clients to rehab, there's been a waiting list ~an average of six months! Let's get our priorities straight. Punishment makes people worse, and treatment programs create solutions and greater well-being for our whole community. Thank you ,and many blessings on your service.

**SB-1367**

Submitted on: 2/6/2019 1:07:32 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Ching	Individual	Support	No

Comments:

Chair Nishihara, Vice Chair Wakai, and members of the committee:

I support SB1367. Possession of a drug should not be a felony. Making it a misdemeanor is more in line with the actual harm to society at large.

We do not need more people in jail awaiting charges. It costs the taxpayers to pay for people to sit in jail because they can't afford to post bond. Also, native Hawaiians and Pacific Islanders are disproportionately targeted for these drug possession charges. Justice is not blind -- it is most certainly color conscious.

Please pass SB1367. Other states have shown that legalizing marijuana or decriminalizing drug possession saves money and creates less misery for poor people and people of color.

Mahalo for the opportunity to testify.

Randy Ching

Honolulu (makikirandy@yahoo.com)

**SB-1367**

Submitted on: 2/6/2019 3:16:40 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Lichty	Individual	Support	No

Comments:

Aloha Chair Nishihara and Vice Chair Wakai. My name is Pam Lichty and I recently retired and stepped down from my position as President of the Drug Policy Forum of Hawaii, which I co-founded. But I'm still very concerned with the state of both drug policy and criminal justice policy in Hawaii. - so you'll still be hearing from me!

I am writing in strong support of SB 1367. This measure is a useful and necessary step as Hawaii works to reform both drug policies and correctional policies which are so tightly connected. It will help reduce overcrowding in our correctional facilities and reduce the number of offenders who are saddled with a felony conviction. Such a felony record stays with a person for a lifetime and affects their ability to get a job, obtain housing, educational loans and more.

Hopefully this measure will lay the groundwork for treatment availability for drug offenders many of whom have a substance abuse problem. There is an exploding body of evidence that treatment is far more effective and cost effective than incarceration. Together with the recommendations that have come forth from various task forces, we hope that this measure will help speed along with the drug law and prison law reform that Hawaii so desperately needs.

We thank you for hearing this bill today and we urge you to pass it on to the next committee. Thank you for the opportunity to testify.

**SB-1367**

Submitted on: 2/6/2019 3:39:22 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Onderko	Individual	Support	No

Comments:



**SB-1367**

Submitted on: 2/6/2019 8:50:38 PM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Brown III	Individual	Support	No

Comments:

Aloha Chair Nishihara, Vice Chair Wakai, and Members,

I respectfully offer my strong SUPPORT of SB 1367. I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction. This bill would only apply to first time offenders, and of those, only for small amounts. This bill doesn't apply to drug kingpins and cartels as some would have you believe. Rather, think of young people who haven't even had the opportunity to live their lives to their full potential yet. With felony possession for small amounts, too many of my fellow youth are at risk of having their lives ruined for an unfortunate, non-violent, mistake.

Here's some things to consider from the Drug Policy Forum of Hawai'i:

- the people charged with this offense are often the same people charged with breaking the drug paraphernalia law. Since the legislature decriminalized drug paraphernalia, it makes sense to reform this law as well;
- research suggests that community-based treatments produce better public safety results for drug abuse compared with incarceration;
- Hawai'i has a partial ban on food stamps and other forms of welfare for convicted felons, possibly denying their families and them crucial support when it is most needed;
- A Pew Charitable Trusts study found no significant relationship between rates of imprisonment for drug offenses and rates of drug use, overdose deaths, or drug arrests;
- Native Hawaiians and Pacific Islanders are disparately impacted by drug laws like this, winding up in prison far more often than others, despite the same rate of drug use;
- a felony charge for this nonviolent offense makes it very unlikely the person will post bail;
- this, in turn, makes a guilty plea far more likely even if the person has other alternatives;

- a misdemeanor will thus also help reduce prison overcrowding, and with other services and programs, help the individual get the treatment he/she needs;

- based on statements by the Department of Public Safety and the offices of the Prosecuting Attorney, at least 100 individuals are detained pretrial for this offense on Oahu alone;

- According to the Hawai'i Paroling Authority, 131 individuals were sentenced to an average of 2.45 yrs in prison for this offense in 2018, compare that to 67 persons for 2.44 yrs for the drug paraphernalia offense that is now decriminalized. In 2017, drug paraphernalia convictions were on the same level as drug possession;

**- many other states have reduced similar offenses to a misdemeanor for these very reasons;**

**- just last year Oregon did so with the full support of its law enforcement community;**

**- Oklahoma did the same in 2016;**

- this is smart criminal justice reform.

Honorable members of this committee, SB 1367 may very well be among the most progressive pieces of legislation to come before the legislature since marriage equality back in 2013. Comprehensive criminal justice reform has proven to be one of the greatest social justice and civil rights challenges of our time, and this bill would go a long way in moving toward a more just and equitable system. This reform should be passed as part of a more comprehensive plan, one that includes the recommendations of reports from legislative task forces and the ACLU of Hawai'i, including bail reform, and a transformation to a system of rehabilitation.

We are not saying "drugs are good" or encouraging anyone to do it. On the contrary, this type of reform goes to harm reduction, and a realization that treatment is better drug policy than imprisonment. It's more cost effective, and more importantly, more humanitarian. The racist drug war, started by the Nixon Administration, has continued for too long. Instead of harsh criminalization that has led to mass incarceration, the highest incarceration rate in the entire world, we need to shift focus to a policy that treats drug possession and use as a public health issue, rather than a criminal one. Be on the right side of history, and pass this bill. Save the lives of young people all across this state, who will otherwise continue to be locked up behind bars for this non-violent crime, and who will be stripped of all opportunity to live a life of dignity thereafter. Stop simply talking about criminal justice reform, and take this action to enact it. This horrendous system of mass incarceration MUST END.

Mahalo nui loa,

Joseph Brown, Kailua, HI.



**SB-1367**

Submitted on: 2/7/2019 7:23:04 AM

Testimony for PSM on 2/7/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments:

**From:** [Tatiana Labore](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Wednesday, February 6, 2019 10:02:35 AM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members: I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction. Mahalo nui,

**From:** [Wendy Gibson](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Wednesday, February 6, 2019 8:56:09 AM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo nui,

Wendy Gibson  
3929 Lanipili Place  
Honolulu, HI  
96816

**From:** [Gordon Edlin](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Wednesday, February 6, 2019 8:39:53 AM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo nui,

**From:** [Randy Ching](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Wednesday, February 6, 2019 6:25:44 AM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support SB1367 to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states have done this as part of criminal justice reform.

America's criminal justice system has been shown to be biased against people of color and poor people. Drug possession has been used as a weapon by police and the courts to incarcerate people of color at an alarmingly high rate, costing tax payers billions of dollars every year. This money should be used to treat drug addiction, to provide mental health services and for the homeless, to find them shelter.

SB1367 saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo for the opportunity to testify.

Randy Ching  
Honolulu (makikirandy@yahoo.com)



**From:** [Marya Grambs](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Tuesday, February 5, 2019 8:25:15 PM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo nui,

Sent from my iPhone  
Marya Grambs  
808-778-9178

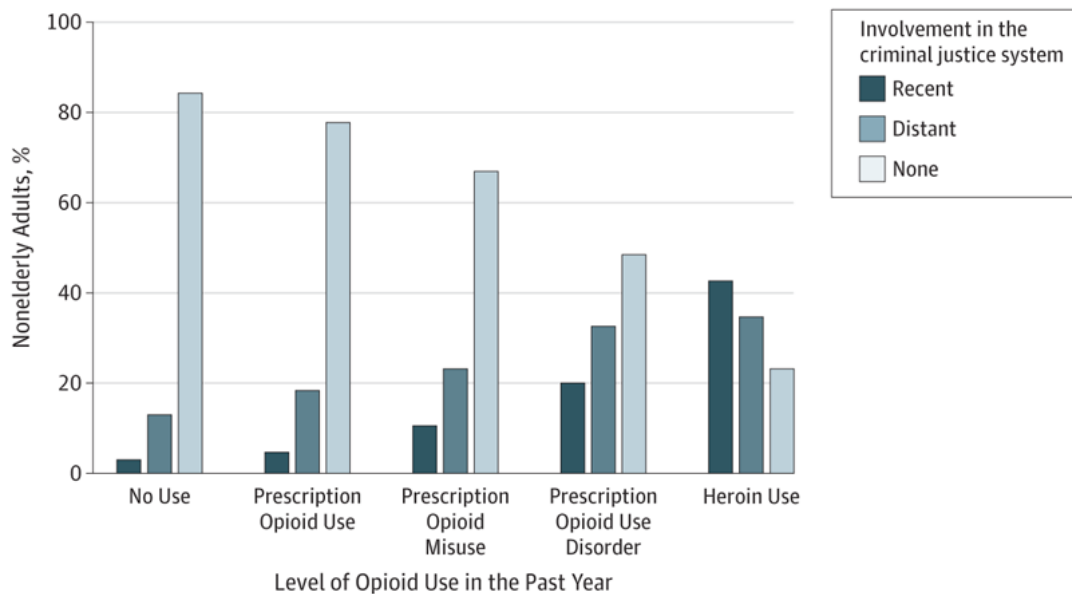
**From:** [thaddeus.pham](mailto:thaddeus.pham)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Tuesday, February 5, 2019 5:58:18 PM  
**Attachments:** [image.png](#)

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

As a public health professional and concerned citizen, I strongly support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states have done this as part of criminal justice reform, and it has been demonstrate to save the state money.

More importantly, this bill will help people and their communities avoid the very real consequences, both social and also health-related, of a felony conviction. For example, a recent study has shown that the longer someone is involved in the criminal justice system, even if they are not incarcerated, the more likely they will become addicted to opioids (see below from Winkleman, et al, JAMA, July 2018).



As we continue to battle this epidemic both locally and nationally, we must do better to promote health and reform rather than criminalize and punish. I thank you for your consideration to improve public health and public safety in our island communities.

Mahalo,  
Thaddeus Pham  
1013 Prospect Street, #518  
Honolulu, HI 96822

**From:** [Ninon Rynerson](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Tuesday, February 5, 2019 5:18:36 PM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo nui,

**From:** [David O'Quinn](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Tuesday, February 5, 2019 5:00:30 PM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo nui,

David O'Quinn  
County of Kauai

**From:** [Henry Bennett](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Wednesday, February 6, 2019 10:38:50 AM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor.

The key point is to see that making such a change benefits the greater good for the state. Once an individual has a record of a felony conviction they are largely locked out of most opportunities to find an honest job. Prison only serves as a training school for a further life of crime.

Let's try to keep NON-VIOLENT offenders outside of that path--and let's lock up and slam the door on anyone convicted on VIOLENT offenses.

Mahalo nui,

Henry Bennett

**From:** [Sebastian Mosur](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Wednesday, February 6, 2019 9:22:50 AM

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### Defelonization of Drug Possession in Small Amounts - SB 1367

Name	Sebastian Mosur
Email	sebomosur@gmail.com
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in STRONG SUPPORT of SB 1367.</p> <p>This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.</p> <p>Please pass this measure! Mahalo</p> <p>Respectfully,</p>

**From:** [Aashish Hemrajani](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Wednesday, February 6, 2019 9:06:09 AM

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### Defelonization of Drug Possession in Small Amounts - SB 1367

Name	Aashish Hemrajani
Email	aashishhemrajani@yahoo.com
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in STRONG SUPPORT of SB 1367.</p> <p>This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.</p> <p>Please pass this measure! Mahalo</p> <p>Respectfully,</p>

**From:** [Julie Pasquale](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Tuesday, February 5, 2019 9:28:11 PM

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 **Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	Julie Pasquale
Email	<a href="mailto:julie@hawaiiikoawood.com">julie@hawaiiikoawood.com</a>
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in <b>STRONG SUPPORT</b> of SB 1367.</p> <p>This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.</p> <p>Please pass this measure! Mahalo</p> <p>Respectfully,</p>



**From:** [Sharon Willeford](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Tuesday, February 5, 2019 6:55:12 PM

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### Defelonization of Drug Possession in Small Amounts - SB 1367

Name	Sharon Willeford
Email	slwsurfing@gmail.com
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in STRONG SUPPORT of SB 1367.</p> <p>This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.</p> <p>Please pass this measure! Mahalo</p> <p>Respectfully,</p>

**From:** [Shannon Rudolph](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Tuesday, February 5, 2019 6:50:08 PM

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 **Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	Shannon Rudolph
Email	shannonkona@gmail.com

Testimony

Aloha!  
Thank you committee members for giving this extremely important measure a hearing. I am writing in **STRONG SUPPORT** of SB 1367.

This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.

Please pass this measure! Mahalo

Respectfully,

**From:** [Randy Gonce](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Tuesday, February 5, 2019 6:09:17 PM

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 **Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	Randy Gonce
Email	<a href="mailto:rgonce@my.hpu.edu">rgonce@my.hpu.edu</a>

Testimony

Aloha!  
Thank you committee members for giving this extremely important measure a hearing. I am writing in **STRONG SUPPORT** of SB 1367.

This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.

Please pass this measure! Mahalo

Respectfully,

**From:** [Debora Kaai](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Tuesday, February 5, 2019 6:04:13 PM

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 **Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	Debora Kaai
Email	debkaai@aol.com

Testimony

Aloha!  
Thank you committee members for giving this extremely important measure a hearing. I am writing in STRONG SUPPORT of SB 1367.

This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.

Please pass this measure! Mahalo

Respectfully,

**From:** [Colleen Rost-Banik](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Wednesday, February 6, 2019 9:37:19 AM

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### Defelonization of Drug Possession in Small Amounts - SB 1367

Name	Colleen Rost-Banik
Email	<a href="mailto:crostbanik@gmail.com">crostbanik@gmail.com</a>
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in STRONG SUPPORT of SB 1367.</p> <p>This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.</p> <p>Please pass this measure! Mahalo</p> <p>Respectfully,</p>

**From:** [Landon Li](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Wednesday, February 6, 2019 3:28:22 PM



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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo nui,

**From:** [Zachary Stoddard](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support for SB1367 - Drug Possession  
**Date:** Thursday, February 7, 2019 5:15:37 PM

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Dear Chair Nishihara, Vice Chair Wakai, Committee Members:

I support this bill to reduce the penalty for drug possession from a felony to a misdemeanor. Several other states, both blue and red, have done this as part of criminal justice reform. It saves the state money and helps people avoid the very real consequences of a felony conviction.

Mahalo nui,  
Zack Stoddard

**From:** [Trinette Furtado](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Wednesday, February 6, 2019 9:53:54 PM

**LATE**



**Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	Trinette Furtado
Email	Peles808Grrl@gmail.com
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in STRONG SUPPORT of SB 1367.</p> <p>This bill is a great step towards decongesting our prison population and keeping our non-violent offenders from having disastrous felonies for simple drug possession.</p> <p>Please pass this measure! Mahalo</p> <p>Respectfully,</p>



**LATE**

**From:** [David Mulinix](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Wednesday, February 6, 2019 7:14:26 PM

 **Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	David Mulinix
Email	dave.mulinix@juno.com
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in <b>STRONG SUPPORT</b> of SB 1367.</p> <p>This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.</p> <p>This legislation is vitally important because too many lives have been destroyed due to felony convictions for simply possessing a small amount of marijuana.</p> <p>Please pass this measure!</p> <p>Malama Pono,</p> <p>Dave Mulinix</p>

**From:** [Bradford Lum](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Wednesday, February 6, 2019 3:27:08 PM

**LATE**

 **Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	Bradford Lum
Email	<a href="mailto:hawaiianbl@yahoo.com">hawaiianbl@yahoo.com</a>
Testimony	<p>Aloha!</p> <p>Thank you committee members for giving this extremely important measure a hearing. I am writing in STRONG SUPPORT of SB 1367.</p> <p>This bill is a great step towards decongesting out prison population and keeping our non-violent offenders from having disastrous felonies for simply drug possession.</p> <p>Please pass this measure! Mahalo</p> <p>Respectfully,</p>

**From:** [Will Caron](#)  
**To:** [patrickroyfan@gmail.com](mailto:patrickroyfan@gmail.com); [PSMTestimony](#)  
**Subject:** Testimony in SUPPORT of SB 1367  
**Date:** Thursday, February 7, 2019 10:44:17 AM

**LATE**

 **Defelonization of Drug Possession in Small Amounts - SB 1367**

Name	Will Caron
Email	comicsbywill@gmail.com
Testimony	<p>Aloha committee members,</p> <p>Please support SB1367. This bill is an incredibly important and badly needed step toward criminal justice reform. Persons arrested for drug possession are usually nonviolent and in need of treatment, not jail time. But if they are charged with a felony, they will not be able to receive the help they truly need. The Law Enforcements Assisted Diversion program—shown to be incredibly successful at reducing the nonviolent incarcerated population, reducing taxpayer costs and reducing crime and recidivism—only applies to arrestees charged with misdemeanors, so it is critical that we liar our LEAD program with this reform. It’s easy to tell who is holding drugs with intent to sell and who is simply holding the amount they need to escape the harsh realities of economic injustice. Lock the dealers away if you must, but please help the ordinary folks who have been caught up in the vices and pitfalls of our imperfect socioeconomic system. This is a first step. But an important one.</p> <p>Mahalo,</p>